

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SARAH CROSTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-24-00633-JD
	)	
DEPARTMENT OF VETERANS	)	
AFFAIRS, <i>ex rel</i> State of Oklahoma;	)	
and SARAH BRESHEARS, in her	)	
individual capacity,	)	
	)	
Defendants.	)	

**ORDER**

After this action was removed from the District Court of Oklahoma County, Defendants Department of Veterans Affairs and Sarah Breshears (“Defendants”) filed their motions to dismiss (“Motions”) [Doc. Nos. 5, 6] under Federal Rule of Civil Procedure 12(b)(6). Plaintiff Sarah Croston timely filed an amended complaint [Doc. No. 8] under Rule 15(a)(1)(B), thereby “supersed[ing] the original and render[ing] it of no legal effect.” *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991). *See also Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180–81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007).

Defendants’ Motions to Dismiss [Doc. Nos. 5, 6] are therefore DENIED AS MOOT.

IT IS SO ORDERED this 9th day of July 2024.

  
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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE